IN THE HIGH COURT OF JUDICATURE CHHATTISGARH

AT BILASPUR

Writ Petition No. 1368 **of 2004**

PETITIONER : Sahu Timber Trading Company Through Partner Suresh Kumar Sahu, aged about 45 years, S/o Shri Kanhaiyalal Sahu, R/o Pendra, Tahsil Pendra Road, District Bilaspur (C.G.)

P. R. No. 1355 Dated
Presented by Shri B.L. Dewangan

VERSUS

RESPONDENTS :1 State of Chhattisgarh Through Secretary Ministry of Forest D.K.S. Bhawan, Raipur (C.G.)

2. Divisional Forest Officer Marvahi forest division, Pendra Road, Bilaspur (C.G.)

3. Conservator of Forest Prescribed appellate authority Bilaspur (C.G.)

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Clerk R.A.G. Bilaspur

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA , FOR ISSUANCE OF SUITABLE DIRECTIONS, ORDERS OR WRITS INCLUDING WRITS IN THE NATURE OF CERTIORARI, MANDAMUS ETC.

The humble petition of

XI-HC-22

(34)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 1368/2004

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2.7.2004

Petitioner by Shri B. L. Dembhra, Advocate.

State by Shri U. N. S. Deo, Govt. Advocate.

Heard on admission.

The petitioner has filed this petition under Article 226/227 of the Constitution of India, being aggrieved by the order dt. 7.2.2004 (Annexure P/1) passed by the Respondent No.2 Divisional Forest Officer, Marwahi whereby the licence of the petitioner has been suspended for one year from 1st January 2004 to 31st December, 2004 and a fine of Rs. 5000/- has been also imposed and some forest wood as mentioned in the order was also confiscated.

Learned counsel for the State submits that aggrieved by the order dt. 7.2.2004 the petitioner has already preferred an appeal before the Appellate Authority which is still pending.

Learned counsel for the petitioner submits that because the Appellate Authority neither deciding his stay application nor appeal therefore in the given situation he has been forced to file this petition.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case in my opinion it would serve the purpose of the petitioner if the Appellate Authority is directed to decide the stay application and the appeal. Therefore, this writ petition is disposed of with the direction that the Respondent No.3 Conservator of Forest to decide the appeal filed

(35)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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	by the petitioner within a period of one month from the date of submission of the certified copy of this order by the petitioner, as half of the suspension period has already been passed and if for any reason it is not possible to decide the appeal within the above period then he should positively decide the stay application as early as possible not later than the above prescribed period. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	